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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ALIK D. ILYIN,)
)
Defendants.)
_____)

No. CR 12-0467 RS

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING DATE
AND DOCUMENTING EXCLUSION OF
TIME UNDER SPEEDY TRIAL ACT

On June 19, 2012, the parties appeared before Magistrate Judge Nathanael M. Cousins, at which time the defendant entered a plea of not guilty. The defendant, ALIK D. ILYIN, was represented by his counsel, Erik Babcock, and the government was represented by DAMALI A. TAYLOR, Assistant United States Attorney. During the hearing, the matter was set for initial status conference on July 10, 2012 before the Honorable Richard Seeborg. On July 2, 2012, a motion was filed which would relieve the defendant's current counsel, Erik Babcock, and would grant the defendant new counsel. On July 9, 2012, the status conference set for July 10, 2012 was moved to July 17, 2012 by the clerk with the consent of the parties.

Identification of defendant's counsel has now been scheduled before Magistrate Judge

1 Maria-Elena James on July 18, 2012. Accordingly, counsel for defendant ALIK D. ILYIN, Erik
2 Babcock, and the government, represented by DAMALI A. TAYLOR, Assistant United States
3 Attorney, hereby agree and stipulate to continue the status conference date presently set for
4 Tuesday, July 17, 2012 to Tuesday, July 31, 2012 at 2:30 p.m.

5 The parties further stipulate, for both continuity and effective preparation of counsel, that
6 time be excluded under the Speedy Trial Act between July 10, 2012, the previously scheduled
7 status conference date, and Tuesday, July 31, 2012, the new date. The additional time is
8 necessary to give counsel, once identified, reasonable time necessary for effective preparation,
9 taking into account the exercise of due diligence, and it is in the best interests of the defendant to
10 do so.

11 The parties agree that the ends of justice served by granting such an exclusion of time
12 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §
13 3161(h)(7)(A).

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15 SO STIPULATED:

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17 MELINDA HAAG
United States Attorney

18 DATED: July 16, 2012

19 /s/
DAMALI A. TAYLOR
Assistant United States Attorney

20
21 DATED: July 16, 2012

22 /s/
ERIK BABCOCK
Counsel for ALIK D. ILYIN

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3 ~~PROPOSED~~ ORDER

4 For the foregoing reasons, the Court HEREBY ORDERS that the initial status conference
5 in this matter is re-set from July 17, 2012 to Tuesday, July 31, 2012 at 2:30 p.m., before the
6 Honorable Richard Seeborg. The Court further finds that the failure to grant the requested
7 extension would deny counsel the reasonable time necessary for effective preparation, taking
8 into account the exercise of due diligence. The Court finds that the ends of justice served by
9 granting the requested extension outweigh the best interests of the public and the defendant in a
10 speedy trial and in the prompt disposition of criminal cases. The Court also concludes that an
11 exclusion of time from July 10, 2012 through and including July 31, 2012, should be made under
12 Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv). The Court also
13 finds that the ends of justice served by excluding the period from July 10, 2012 through and
14 including July 31, 2012, outweigh the best interest of the public and the defendant in a speedy
15 trial. Id. § 3161(h)(7)(A).

16 **IT IS SO ORDERED.**

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18 Dated: 7/16/12

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20 RICHARD SEEBORG
21 UNITED STATES DISTRICT JUDGE
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